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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/935,926

08/23/2001

Thomas Welsh

195-01

1408

27569

7590

09/09/2005

PAUL AND PAUL
2000 MARKET STREET
SUITE 2900
PHILADELPHIA, PA 19103

EXAMINER

LUGO, CARLOS

ART UNIT

PAPER NUMBER

3676

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,926

Applicant(s)

WELSH ET AL.

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 5-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-13 is/are allowed.
- 6) ☒ Claim(s) 3 and 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: attachments #1-5.

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on July 8, 2005.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 3 and 5-8 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,201,557 to Schlack.

Regarding claims 8 and 9, Schlack discloses a linear compression latch comprising a housing (110); a lever handle (50) rotatable by an operator between a first position and a second position and being mounted in the housing; and a pawl (94 and 96) mounted for substantially linear motion and actuated by rotation of the lever handle and traveling substantially linearly between an open position to a closed position as the lever handle is rotated between the first position to second position (Figures 3 and 5).

The pawl is mounted to travel between the open position along a first path and an intermediate position and is mounted to travel in a second path in a direction substantially perpendicular to the first path between the intermediate position and the closed position (see attachments #1-4).

As to claim 3, Schlack discloses that the first path is linear.

As to claim 5, Schlack discloses that the second path is linear.

As to claim 6, Schlack discloses that the latch further comprises a carriage (80) that is mounted for linear motion within the housing (110) and that the pawl is mounted within the carriage.

As to claim 7, Schlack discloses that the latch further comprises connection means (59 and 61) for rotatably connecting the lever handle and the pawl.

Allowable Subject Matter

4. Claims 9-13 are allowed.

Reasons For Allowance

5. The following is an examiner's statement of reasons for allowance:

Claim 9 is allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the second path is in an upward or vertical direction.

Schlack discloses that the pawl is moved between an open, intermediate and closed position. The pawl moves between the open position and the intermediate position in a first path and between the intermediate position and the closed position in a second path. However, Schlack fails to disclose that the second path is in an upward or vertical direction. Schlack discloses that the pawl moves from the intermediate position to the closed position in a second path that is in a horizontal direction (see attachment #4).

In contrast, the device presented in the current application, the pawl moves from an open position to an intermediate position in a first path and between the

intermediate position to the closed position in a second path in an upward direction (see attachment #5).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. Applicant's arguments filed July 8, 2005 have been fully considered but they are not persuasive.

The applicant argues that Schlack fails to disclose a linear compression latch wherein the pawl is mounted for traveling in a second path in a direction substantially perpendicular to the first path between the intermediate position and the closed position.

As seen in attachments #1-4, Schlack clearly discloses that the pawl (94 and 96) moves between a first, intermediate and a second position wherein a first path, between the first and the intermediate position, is substantially or largely but not wholly perpendicular to a second path, between the intermediate and the second position. Therefore, the arguments are not persuasive and the rejection is maintained.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-272-7049.

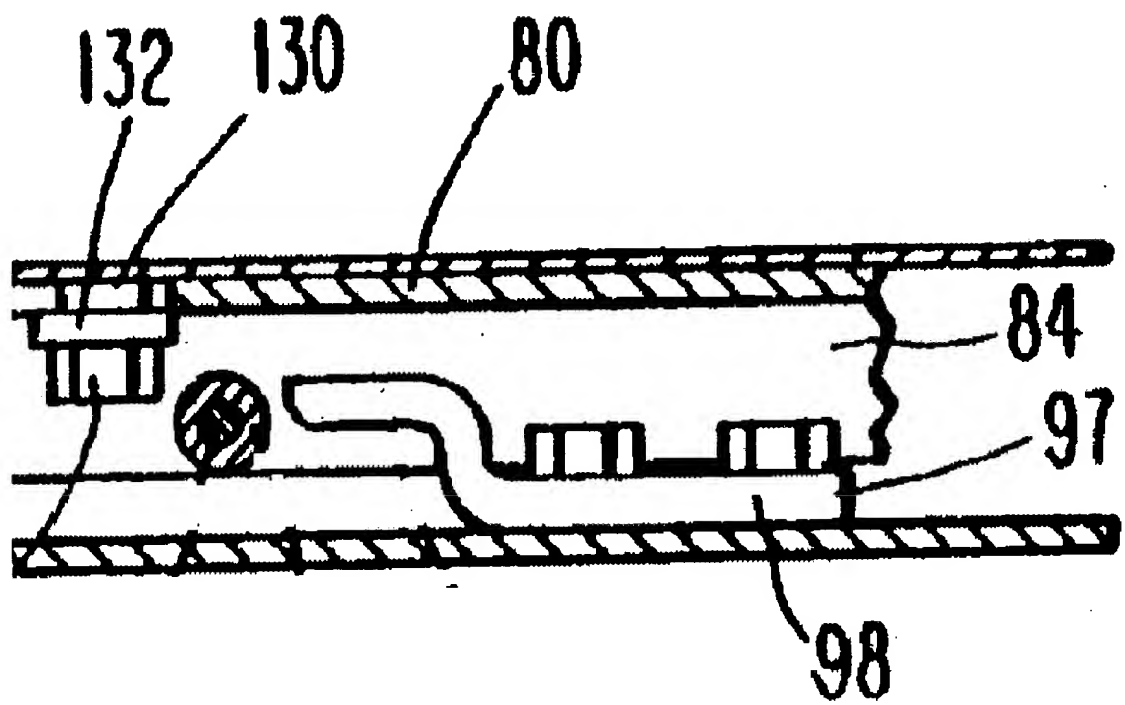
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.

Carlos Lugo
AU 3676

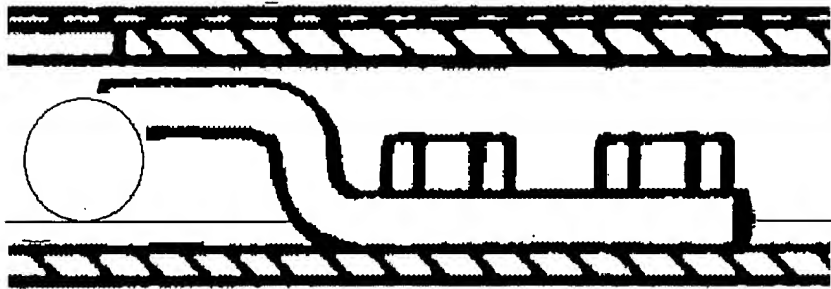
August 30, 2005


BRIAN E. GLESSNER
PRIMARY EXAMINER



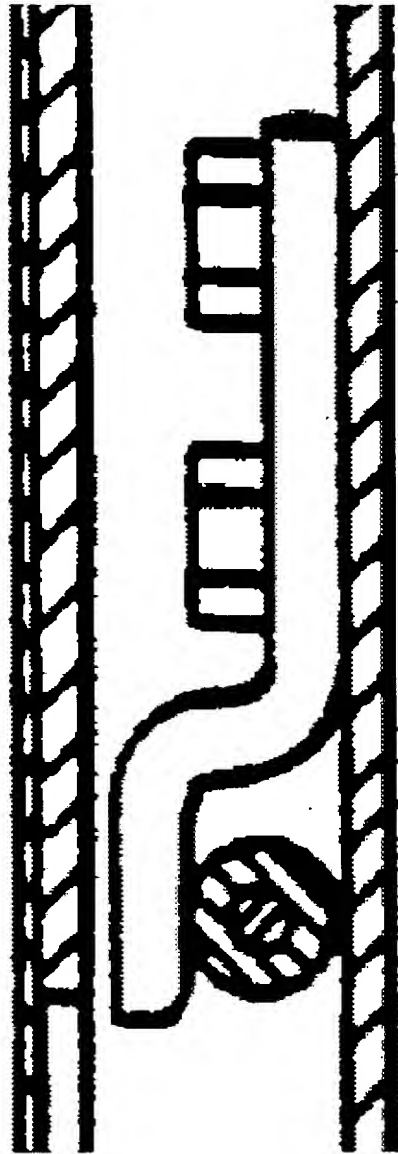
open position

Attachment #1



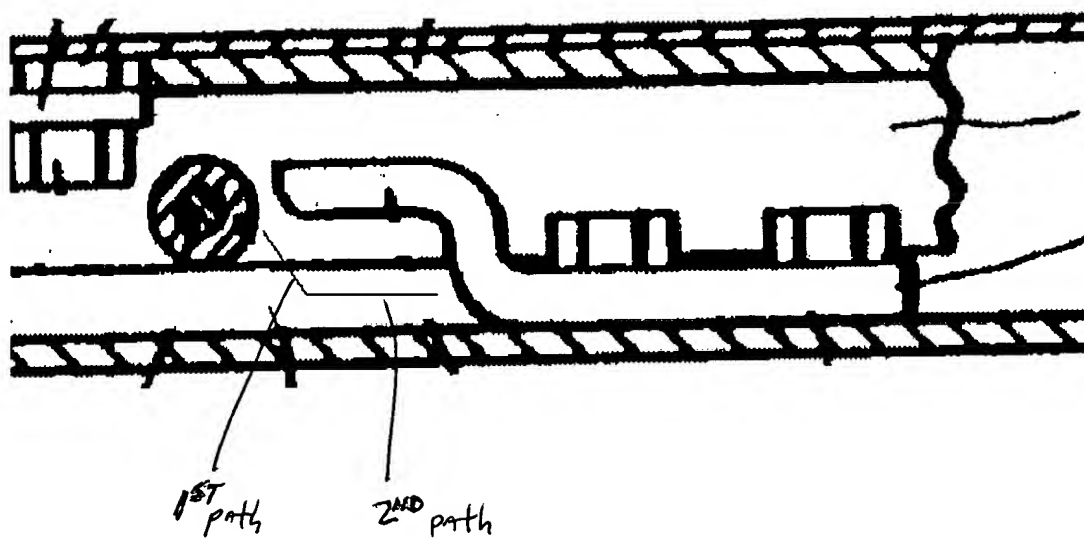
intermediate
positive

Attachment #2

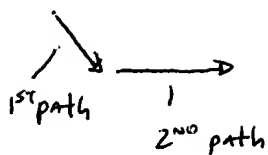


closed
position

Attachment #3

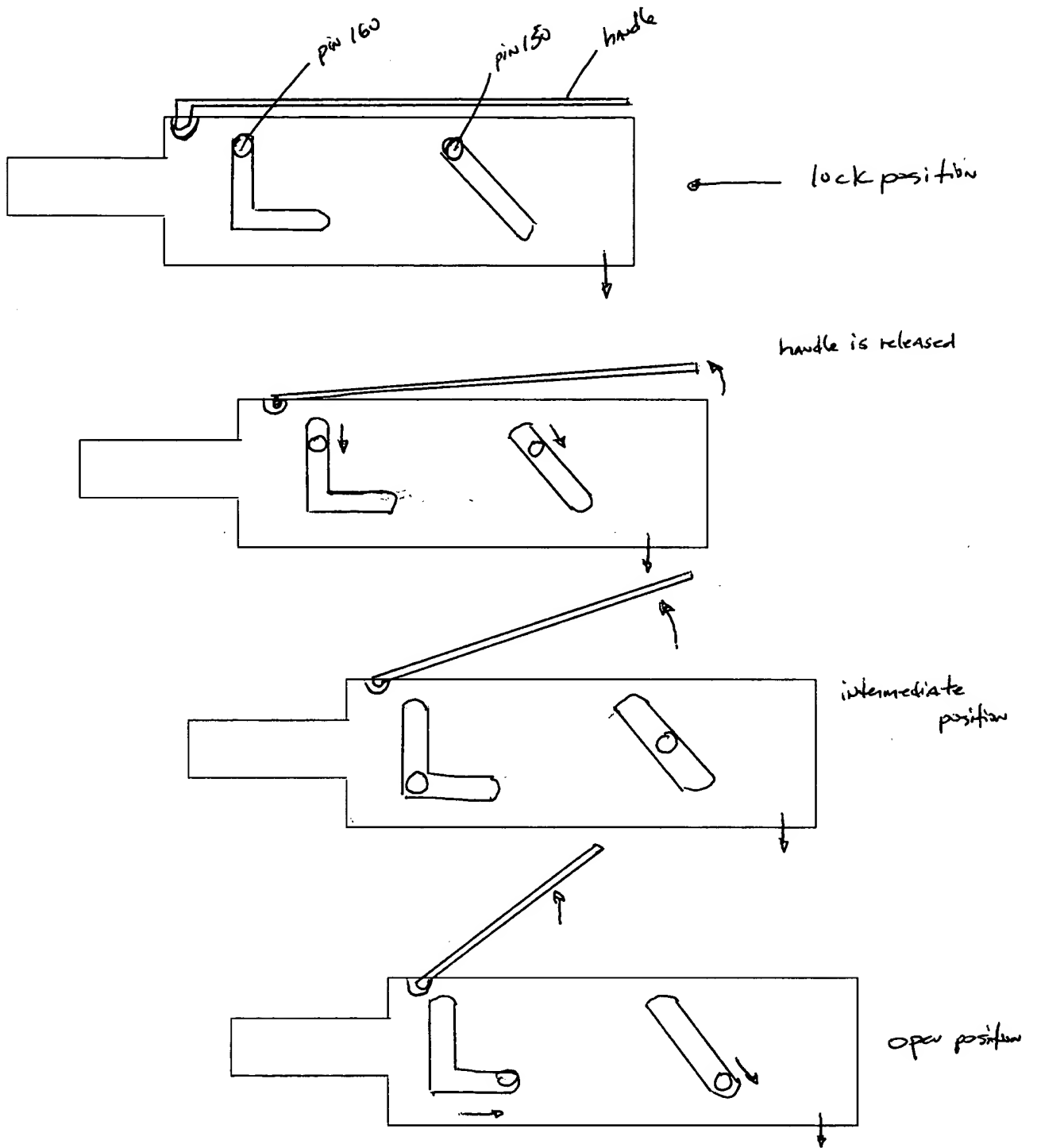


From the open → closed position



Attachment #4

lock → open movement



from open → closed movement

